

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD, INC.,
POLYPROPYLENE HERNIA MESH
PRODUCTS LIABILITY LITIGATION

Case No. 2:18-md-2846

JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

This document relates to:
Sheldon v. CR Bard et al.,
Case No. 2:20-cv-5368

OPINION AND ORDER

On October 13, 2020, Plaintiff Raymond Sheldon, Jr. filed a complaint in this multidistrict litigation (“MDL”). (ECF No. 1.) Pursuant to this Court’s Case Management Order (“CMO”) No. 8, “[e]ach Plaintiff in an action in MDL 2846 shall complete and serve upon Defendants via email a completed [Patient Profile Form (“PPF”)] . . . along with all duly executed authorizations for the release of relevant medical records, within 60 days after Defendants serve their Short Form Answer upon a Plaintiff.” (Case No. 18-md-2846, ECF No. 57 at PageID #895.) Defendants filed their Short Form Answer on January 29, 2021. (ECF No. 2.) Plaintiff did not produce a PPF within 60 days as required by CMO No. 8 and has not corrected this defect over one year later. Defendants filed a Motion to Dismiss the case based on Plaintiff’s failure to produce a PPF. (ECF No. 3.) Plaintiff filed a Notice of Voluntary Dismissal on August 16, 2021. (ECF No. 4.)

On February 15, 2022, the Court issued an order notifying Plaintiff that the Notice of Voluntary Dismissal was insufficient under Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure because Defendants had already filed an answer. (*Id.*) The Court ordered Plaintiff to file a motion to dismiss or a stipulation of dismissal signed by all parties by March 14, 2022, and informed Plaintiff that if he did not file an appropriate motion or stipulation the Court would rule

on Defendants' unopposed Motion to Dismiss. (*Id.*) Plaintiff has filed neither a motion to dismiss nor a stipulation of dismissal signed by all parties. Accordingly, Defendants' Motion to Dismiss is **GRANTED** and Plaintiff's case is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

3/17/2022
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE